

Chapter I of the Clearing Conditions of Eurex Clearing AG

## General Provisions

As of 11.07.2019

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AMENDMENTS ARE MARKED AS FOLLOWS:

INSERTIONS ARE UNDERLINED,

DELETIONS ARE CROSSED OUT.

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## **Part 1    General Clearing Provisions**

### **1        General Rules**

[...]

### **1.2      Clearing Procedures**

[...]

#### **1.2.2    Conclusion of Transactions and Transfer of Transactions**

[....]

(4) Transactions pursuant to the Default Management Process; Settlement failures

[...]

(b) Eurex Clearing AG may conclude Transactions of any Transaction Type with a Clearing Member or a Basic Clearing Member pursuant to the Clearing Conditions as part of Eurex Clearing AG's procedures to hedge or manage liquidity risks or any other risks that Eurex Clearing AG may be exposed to with respect to a failed settlement of a Transaction on the scheduled settlement day and include such Transactions in the Clearing.

(c) Eurex Clearing AG may conclude FX Hedging Transactions with a Clearing Member pursuant to the Clearing Conditions as part of Eurex Clearing AG's (i) procedures to hedge or manage liquidity risks with respect to OTC Currency Transactions and (ii) default management process with respect to OTC Currency Transactions, and include such FX Hedging Transactions in the Clearing.

[...]

### **3        General Provisions regarding Margin**

[...]

### 3.2 Eligible Margin Assets and Valuation; Large Exposures

[...]

#### 3.2.5 [...]

(2) [...]

[...]

(c) If Eurex Clearing AG concludes that a Residual Currency Surplus cannot be or has not been eliminated in full by taking measures pursuant to lit. (b), Eurex Clearing AG may proceed in accordance with Chapter VIII Part 3 Number 3.2.1 Paragraph (2)(~~ef~~) (in conjunction with Chapter VIII Part 4 Number 4.2.1 Paragraph (2), as applicable) with respect to Prefunding Amounts (as defined in Chapter VIII Part 3 Number 3.2.1 Paragraph (~~1)(d2)~~) in one or more of the Relevant Currencies.

[...]

### 3.4 Currency Conversion, Use of Eligible Margin Assets in the form of cash and Income on Margin Assets, Participation of Clearing Members in Losses

[...]

3.4.6 In case (A) the Clearing Member pays Eligible Margin Assets in the form of cash, denominated in a Commercial Bank Currency, to Eurex Clearing AG as Margin, (B) the Clearing Member pays a Prefunding Amount (as defined in Chapter VIII Part 3 Number 3.2.1 Paragraph (~~1)(d2)~~) denominated in a Commercial Bank Currency, to Eurex Clearing AG, (C) the Clearing Member pays a Late Payment Amount (as defined in Chapter VIII Part 3 Number 3.~~34~~.4) denominated in a Commercial Bank Currency, to Eurex Clearing AG, and/or (D) a Corresponding Pay-In Amount (as defined in Chapter VIII Part 3 Number 3.~~45~~.3) denominated in a Commercial Bank Currency is received by Eurex Clearing AG and a Deferred Payment (as defined in Chapter VIII Part 3 Number 3.~~34~~.4) will be made to a Clearing Member and Eurex Clearing AG either (X) holds such cash amounts on an account maintained with a commercial bank (a “**Deposit**”) or (Y) invests such cash amounts, partly or in whole, for purposes of liquidity management and liquidity generation (an “**Investment**”) and Eurex Clearing AG suffers a Loss with respect thereto, Eurex Clearing AG is entitled to claim compensation for the Loss in accordance with the following provisions:

(i) “**Loss**” means any loss incurred by Eurex Clearing AG with respect to (A) an Investment because the amount invested in such Investment was not or not fully repaid to Eurex Clearing AG or a third party by the contractual counterparty of the relevant Investment (“**Investment Counterparty**”) on the date on which it shall be repaid in accordance with the relevant contractual terms of the Investment or an instruction by Eurex Clearing AG or (B) a Deposit due to the failure or default of the commercial bank with which the account is held.

**“Commercial Bank Currency”** means any (A) currency accepted by Eurex Clearing AG as Eligible Margin Assets and/or (B) currency of a Currency Pair (as defined in Chapter VIII Part 3 Number 3.1.45.1 Paragraph (2)), for which Eurex Clearing AG does not maintain an account with a central bank. Eurex Clearing AG shall publish a list of the Commercial Bank Currencies on its website ([www.eurexclearing.com](http://www.eurexclearing.com)).

[...]

- (vi) If the Loss is reduced through a payment by the Investment Counterparty or a third party (**“Reduction Amount”**) after the Clearing Member paid its Clearing Member-Related Loss to Eurex Clearing AG or Eurex Clearing AG has paid any excess pursuant to Chapter VIII Part 3 Number 3.54.1 Paragraph (6) or Number 3.45.2 Paragraph (3), Eurex Clearing AG shall distribute the Reduction Amount between all Clearing Members and FCM Clearing Members (as defined in Number 6), which paid their Clearing Member-Related Loss to Eurex Clearing AG or received such excess, by applying, *mutatis mutandis*, the share in the Loss determined under Paragraph (iii) or (iv).

[...]

## 17 Miscellaneous

17.1 [...]

## 17.2 Changes and Amendments to the Clearing Conditions

[...]

17.2.4 **“Special Provisions”** are

- Numbers 1.5, 6, 7, 9, 16.1, 17.2 and 17.3,
- Subpart C Number 2.1.2 and 3.3 of the Individual Clearing Model Provisions,
- Chapter IV Part 2 Number 2.6 Paragraph (1) (b),
- Chapter V Part 2 Number 2.2.1 Paragraph (4),
- Chapter VIII Part 1 Number 1.7 Paragraphs (2) and (11),
- Chapter VIII Part 3 Numbers 3.3 to 3.78,
- Chapter VIII Part 4 Number 4.4 to 4.78 and 4.1112,
- Chapter IX Part 2 Number 2.6.4 Paragraph (4),
- Chapter IX Part 2 Number 2.7.2 Paragraph (2),
- Appendix 13 Clause 5, fourth sub-paragraph, Sentence 16,

- each of the Appendices to the Clearing Conditions to the extent that clauses in such Appendices relate to the granting of powers of attorney, the granting of margin or the creation of security interests,
- the Procedures Manual to the extent the issues contained therein may have an impact on the risk management of Eurex Clearing AG or the Affected Customers,
- the DMC Rules and the DM Auction Rules and
- any newly added provisions relating to the subject matter of the provisions listed above.

[...]

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